

REMARKS

Claims 12 and 22 are amended, claims 14-16 are canceled, and no claims are added; as a result, claims 1-13 and 17-24 are now pending in this application.

No new matter has been added through the amendments to claims 12 and 22. Support for the amendments to claims 14-16 may be found throughout the specification, including but not limited to claims 14-16 as originally filed in the application.

Information Disclosure Statement

Applicants submitted a Supplemental Information Disclosure Statement and a 1449 Form on May 25, 2005. Applicants respectfully request that an initialed copy of the 1449 Form be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

§103 Rejection of the Claims

Claims 1-5 and 8-11.

Claims 1-5 and 8-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wise et al. (U.S. 5,884,262) in view of Tseng et al. (U.S. 6,172,974 B1). Applicants respectfully traverse the rejection of claims 1-5 and 8-11.

The Office Action fails to meet the requirements¹ for forming the proposed combination of Wise et al. and Tseng et al., and so fails to meet its burden of establishing a *prima facie* case of obviousness with respect to claims 1-5 and 8-11. In an attempt to meet these requirements, the Office Action states,²

Thus, it would have been obvious to one of ordinary skill on[sic] the art at the time invention was made to combine the

¹ The Office Action must provide specific, objective evidence of record for a finding of a suggestion or motivation to combine reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. *In re Sang Su Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002). Further yet, the fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990); MPEP § 2143.01. Finally, the Examiner must avoid hindsight. *In re Bond* at 834.

² See the Office Action at page 4, first full paragraph.

teachings of the cited references to allowing transmitting data from the user in the compressed speech as disclosed by Tseng because it would provide the beneficial of compressing speech for ratio [sic] frequency (RF) transmission is that it uses less of the limited available RF bandwidth for transmission.

Applicants assume that the Office Action by the use of the phrase "ratio frequency (RF)" intended to imply a radio frequency. However, and in contrast to use of radio frequencies, Wise et al. is not concerned with radio frequency broadcasts, or saving radio frequency bandwidth. In contrast to Tseng et al., Wise et al. relates to telephone communication, and not to the RF bandwidth concerns mentioned by the Examiner, wherein Wise et al. relates to,³

FIG. 1 shows the software and hardware architecture of a preferred embodiment. A standard telephone 10, either analog (POTS) or digital (ISDN), **may be connected to the architecture 100 using a standard POTS or ISDN telephone line.**
(Emphasis added).

Because Wise et al. is concerned with standard POTS or ISDN telephone lines, one of ordinary skill in the art would not look to Tseng et al. with respect to "RF bandwidth for transmission" to combine with Wise et al. as suggested in the Office Action because Wise et al. is not concerned with RF transmissions. Thus, the statements in the Office Action fails to provide a suggestion or motivation to combine the descriptions of Wise et al. and Tseng et al. as suggested in the Office Action.

Further, the Office Action fails to point out in either Wise et al. or Tseng et al., or in any other evidence of record, any disclosure showing how using compressed speech in a transmission "uses less of the limited available RF bandwidth for transmission" as suggested in the Office Action. Without such a showing the Office Action fails to provide proper evidence in support of these statements as used as a basis for forming the proposed combination of Wise et al. and Tseng et al. Without such support, the Office Action fails to meet the requirements for forming the proposed combination of Wise et al. and Tseng et al., and thus fails to meet its burden for establish a *prima facie* case of obviousness with respect to claims 1-5 and 8-11.

³ See Wise et al. at column 3, lines 51-55.

Even if the proposed combination of Wise et al. and Tseng et al. where to be made, (wherein Applicants expressly do not agree or admit that the proposed combination could be properly made), the proposed combination still fails to teach or suggest all of the subject matter included in claims 1-5 and 8-11. For example, independent claims 1 includes,

A gateway, comprising:

a service sniffer to direct inputs to a plurality of portals based on the type of data received from a client device;

a command interpreter engine coupled to one or more of the plurality of portals to detect keywords in speech when the data received includes a compressed speech input;

a search and analysis engine to search a network for contents based on the keywords; and

a transformation engine to convert a data format used in the contents retrieved from the network into a format supported by the client device.

(Emphasis added).

The Office Action admits⁴ that Wise et al. does not explicitly teach "a command interpreter engine coupled to one or more of the plurality of portals to detect keywords in speech when the data received includes a compressed speech input," as required by claim 1. Applicants representatives fail to find in Tseng et al. any discussion of detection of key words in speech when the data received includes a compressed speech input. Instead, Tseng et al. concerns "methods and apparatus for transmitting compressed digitized voice signals in a communication environment that may be of a wireless nature . . ."⁵

However, there is no discussion in Tseng et al. of "a command interpreter engine coupled to one or more of the plurality of portals to detect keywords in speech when the data received includes a compressed speech input " as required by independent claim 1. Further, the Office Action fails to explain how, if even possible at all, the formats used in Tseng et al. would necessarily work in the call manager and translator of Wise et al. Thus, the Office Action fails to provide a indication of a reasonable degrees of success would result from forming the proposed combination of Wise et al. and Tseng et al.

⁴ See the Office Action at page 4, first full paragraph.

⁵ See Tseng at column 1, lines 17-21.

Claims 2-5 and claims 8-11 depend from independent claim 1, and so include all of the subject matter included in independent claim 1, and more. For at least the reasons stated above, the proposed combination of Wise et al. and Tseng fails to teach or suggest all of the subject matter included in claims 2-5 and 8-11, and so claims 2-5 and 8-11 are not obvious in view of the proposed combination of Wise et al and Tseng et al.

Applicants respectfully request reconsideration and withdrawal of the rejection, and allowance of claims 1-5 and 8-11.

Claims 6-7.

Claims 6-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wise et al. (U.S. 5,884,262) in view of Tseng et al. (U.S. 6,172,974 B1) and further in view of Jimenez et al. (U.S. 2002/0006124 A1). Applicants respectfully traverse the rejection of claims 6-7.

For at least the reasons stated above, Applicants believe they have established that the Office Action fails to meet the requirements forming the proposed combination of Wise et al. and Tseng et al. Because the Office Action does not provide any additional basis for forming the proposed combination of Wise et al. and Tseng et al. in forming the proposed combination of documents used in rejecting claims 6-7, the Office Action also fails to meet the requirements for forming the proposed combination of Wise et al., Tseng et al., and Jimenez et al.

For at least the reasons stated above, the Office Action fails to meet its burden for establishing a *prima facie* case of obviousness with respect to claims 6-7.

Even if the proposed combination of Wise et al., Tseng et al., and Jimenez et al. where to be made, (wherein Applicants expressly do not agree or admit that the proposed combination could be properly made), the proposed combination still fails to teach or suggest all of the subject matter included in claims 6-7. For example, claims 6-7 depend from independent claim 1, and so include all of the subject matter included in independent claim 1, and more. Applicants believe they have established that the proposed combination of Wise et al. and Tseng et al. fails to teach or suggest all of the subject matter included in independent claim 1. Applicants fail to find in, and the Office Action fails to point out where in Jimenez et al. there is a teaching or suggestion of the subject matter included in claims 6-7 and missing from Wise et al. and Tseng et

al. Thus, the proposed combination of Wise et al., Tseng et al., and Jimenez et al. fails to teach or suggest all of the subject matter included in claims 6-7.

Applicants respectfully request reconsideration and withdrawal of the rejection, and allowance of claims 6-7.

Claims 12-13 and 17-24.

Claims 12-13 and 17-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wise et al. (U.S. 5,884,262) in view of Luzeski et al. (U.S. 6,430,177 B1). Applicants respectfully traverse the rejection of claims 12-13 and 17-24.

The Office Action fails to meet the requirements⁶ for forming the proposed combination of Wise et al. and Luzenski et al., and so fails to meet it burden of establishing a *prima facie* case of obviousness with respect to claims 12-13 and 17-24. In an attempt to meet these requirements, the Office Action states,⁷

Thus, it would have been obvious to one of ordinary skill on[sic] the art at the time invention was made to combine the teachings of the cited references to implement the step of receiving a description of a client's device's capabilities as disclosed by Luzenski because each device would have its own characteristics, and wherein the Luzenski's message platform system may have hundreds of thousands of subscribers. Thus, to substantially best suited for the delivery of the content (i.e., passing prescribed types of information (e-mail)) to individual client's device, Luzenski provides options so that a user can describe to the system his or her own device's capabilities so that the information can be successfully delivered to the client based on client's preferences.

Applicants disagree that "requesting to read and email or listen to a voice mail" as stated in the Office Action necessarily means that the client has the capability to read the email, as further suggested by the Office Action. Further, a request to read an e-mail fails to teach or suggest "receiving a description of a client device's capabilities," as required by independent claim 12. A request to read an email does not necessarily indicate that the requested email may be properly read by any particular device, even the device requesting the e-mail. Further, the Office Action fails to point out in the Luzeski et al. where Luzeski et al. discusses, "provides

⁶ See footnote 1.

⁷ See the Office Action at page 10, first full paragraph.

options so that that user can describe to the system his or her own device's capabilities so that the information can be successfully delivered to the client based on client's preferences," as suggested in the Office Action.

Because the statement made in the Office Action are not supported by the cited documents, or any other evidence of record, the Office Action fails to meet the requirements for forming the proposed combination of Wise et al. and Luzenski et al., and so fails to meet it burden for establishing a *prima facie* case of obviousness with respect to claims 12-13 and 17-24.

Even if the proposed combination of Wise et al. and Luzeski et al. could be made, (wherein Applicants expressly do not agree or admit that the proposed combination could be properly made), the proposed combination still fails to teach or suggest all of the subject matter included in claims 12-13 and 17-24. For example, independent claim 12 includes,

A method, comprising:

receiving a description of a client device's capabilities
and a user input including data from the client device;
 directing the user input to one or more of a plurality of
portals based on the type of data received in the user input;
 extracting a feature from the data included in the user input;
 translating the feature into a request;
 retrieving contents from a network based on the request;
and
 **adapting the contents to a client based on the received
description of the client device's capabilities, including
adapting the contents to a screen size, a screen resolution, and
a d color depth of the client.**
(Emphasis added).

In a further example, independent claim 22 as now amended includes,

A program product comprising signal-bearing media, wherein the signal-bearing media comprises instructions, wherein the instructions when read and executed comprise:

receiving a description of a client device's capabilities
and a user input including data from the client device;
 directing the user input to one or more of a plurality of
portals based on the type of data received in the user input;
 extracting a feature from the data included in the user input;

translating the feature into a request;
retrieving contents from a network based on the request;
and
**adapting the contents for transmission to a telephone
based on the received description of the client device's
capabilities, including adapting the contents to a screen size, a
screen resolution, and a d color depth of the telephone.**
(Emphasis added).

Thus, both independent claims 12 and 23 include, "receiving a description of a client device's capabilities." The Office Action admits⁸ that Wise et al. fails to explicitly teach receiving a description of the client's device's capabilities. The Office Action attempts to supply this subject matter missing from Wise et al using Luzeski et al. by stating⁹

However, Luzenski discloses **receiving a description of a client's device's capabilities** (as accepting request to read an e-mail or listen to a voice mail from a client, see abstract). That is, Luzenski teaches, receiving client's request in various types, such as "to read and e-mail" or "to listen to a voice mail". Thus, the description of a client device's capability is that the client device has the capability to read the e-mail, therefore, the message platform passing prescribed types of information (e-mail) back to the client device.

As already stated above, Applicants disagree that "accepting a request to read an e-mail or listen to a voice mail" as stated in the Office Action teaches or suggests, "receiving a description of a client device's capabilities" as required by independent claims 12 and 22. Thus, neither Wise et al. nor Luzeski et al., either alone or when considered in the proposed combination, teach or suggest, "receiving a description of a client device's capabilities" as included in independent claims 12 and 22.

Further, there is no teaching or suggestion in either Wise et al. or Luzeski et al. of the additional subject matter included in independent claim 12 including,

adapting the contents to a client based on the received description of the client device's capabilities, including adapting

⁸ See the Office Action at page 7, first sentence of the last paragraph.

⁹ See the Office Action at the last paragraph of page 7 through the first paragraph of page 8.

the contents to a screen size, a screen resolution, and a d color depth of the client.

Still further, there is no teaching or suggestion in either Wise et al. or Luzeski et al. of the additional subject matter included in independent claim 22 including,

adapting the contents for transmission to a telephone based on the received description of the client device's capabilities, including adapting the contents to a screen size, a screen resolution, and a d color depth of the telephone.

The Office Action relies on the additional documents of Aarnio et al. Balog et al. as describing some of the subject matter missing from Wise et al. and Luzeski et al. Applicants do not admit the Aarnio et al. and Balog et al. teach or suggest any of the subject matter included in claims 12-13 and 17-23. Further, since Wise et al. concern only "converting standard documents formats . . . for use in an audio interface, locally or over a telephone network"¹⁰ there would be no motivation or suggestion to receive any information from the client or to adapt content to the client to include information related to screen size, screen resolution or color depth in view of the fact that Wise et al. only concerns *audio interfaces*. Thus, one of ordinary skill in the art would not have been motivated to combine, and there is no suggestion to combine, any description for Aarnio et al or Balog et al. with Wise et al. Any such proposals would be merely an attempt to reconstruct the subject matter of independent claims 12 and 23 based on the claims themselves using impermissible hindsight.

For at least the reasons stated above, independent claims 12 and 23 are not obvious in view of any combination of documents cited in the Office Action. Claims 13, 17-21, and 23-24 depend from one of independent claims 12 and 22, and so include all of the subject matter included in the independent claim from which they depend, and more. For at least the reasons stated above with respect to independent claims 12 and 22, claims 13, 17-21, and 23-24 are not obvious in view of any combination of documents cited in the Office Action.

Applicants respectfully request reconsideration and withdrawal of the rejection of claims 12-13 and 17-24, and allowance of claims 12-13, and 17-24.

¹⁰ See Wise et al. at column 1., lines 8-13.

Claims 14-16.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wise et al. (U.S. 5,884,262) in view of Luzeski et al. (U.S. 6,430,177 B1) and further in view of Aarnio et al. (U.S. 6,801,793 B1).

Claims 15-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wise et al. (U.S. 5,884,262) in view of Luzeski et al. (U.S. 6,430,177 B1) and further in view of Balog et al. (U.S. 2002/0022453 A1).

Claims 14-16 are canceled, so the rejections of claims 14-16 are moot.

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants' silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney ((612) 371-2132) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of February 2007.

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